

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63935

Masahiko HONDA

Appln. No.: 09/825,941

Group Art Unit: 3805

Confirmation No.: 3805

Examiner: Unknown

Filed: April 05, 2001

For: PACKET SWITCHING SYSTEM AND METHOD

**RECEIVED**

**SEP 12 2003**

**Technology Center 2600**

STATEMENT UNDER 37 C.F.R. § 1.704(d)

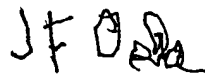
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: September 10, 2003



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2664-3805

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. Japanese Unexamined Patent Application Publication No. 11-17696, published January 22, 1999.
2. Japanese Unexamined Patent Application Publication No. 6-6372, published January 14, 1994.
3. Japanese Unexamined Patent Application Publication No. 5-7213, published January 14, 1993 was previously filed on June 6, 2001.

Masahiko HONDA  
09/825,941  
INFORMATION DISCLOSURE STATEMENT

4. Japanese Unexamined Patent Application Publication No. 2-246646, published October 2, 1990.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The present Information Disclosure Statement is being filed thirty days or fewer from the communication from a foreign patent office and a Statement Under 37 C.F.R. §1.704(d) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated August 12, 2003, and an English translation of the pertinent portions thereof, which cites such documents and indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Masahiko HONDA  
09/825,941  
INFORMATION DISCLOSURE STATEMENT

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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Application Number	09/825,941
Confirmation Number	3805
Filing Date	April 05, 2001
First Named Inventor	Masahiko HONDA
Art Unit	3805
Examiner Name	Unknown
Attorney Docket Number	Q63935

[illegible][illegible][illegible]**Date Considered**

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to indicate here if English language Translation is attached.

Ref Q63935

- Claims 1–12
- Publications
  1. Japanese Unexamined Patent Application Publication H11-17696

#### Remarks

(Claims 1 through 12): Cited Example 1

Cited Example 1 describes a system changeover method in a duplicated ATM switch whereby cells are stored in buffers in accordance with the delay priority, and if system changeover occurs, the choice of whether to transmit the output from the system previously in operation or the output from the system newly in operation to the output selector is made for each delay priority class (see paragraphs 0013 through 0016).

Therefore, the inventions as per Claims 1 through 12 of the present application could easily have been conceived of by a person skilled in the art based on the language of Cited Literature 1.

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#### Record of Prior Art Literature Search Results

- Fields searched      IPC 7th Edition H04L 12/56
- Prior art literature    Japanese Unexamined Patent Application Publication H6-6372  
                                 Japanese Unexamined Patent Application Publication H5-7213  
                                 Japanese Unexamined Patent Application Publication H2-246646

This Record of Prior Art Literature Search Results does not constitute a reason for rejection.